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ABSTRACT

This course outline provides information to be used by students in conjunction with Nursing 89, a seminar on the legal aspects of nursing to be offered starting in Spring 1982 at Diablo University (California). General information is provided first, including a class calendar, a statement defining the purpose of the course, an outline of long-range objectives, a course description, a glossary of terms, and a bibliography. The course outline then delineates the goals, learning objectives, readings, and sample test questions for each of eight course units: (1) laws in general; (2) the Nurse Practice Act and licensure; (3) contracts; (4) the Patient's Bill of Rights; (5) insurance and risk management; (6) liability, including issues such as negligence, malpractice, torts, and crime; (7) medical records audit and utilization review; and (8) wills. The outline concludes with a course/instructor evaluation form to be completed by the student at the end of the course. (JP)

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Nursing 89

Seminar: Legal Perspectives of Nursing Practice

Monday - Wednesday

1030 - 12 Noon

HEC Auditorium

School of Nursing

Diablo University

Walnut Creek, California

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Spring 1982

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Preface

I, as a professional nurse, feel that every person is accorded rights and privileges and that these rights are not relinquished when that person becomes a patient and enters into the health care system. It is important that every nurse is or becomes aware of these rights and of her responsibility to uphold them. For this reason, I have designed the following course, Seminar: Legal Perspectives of Nursing Practice, which will be taught to students in the professional nursing program - Bachelor of Science degree level. By providing the students with definitions and examples of the legal aspects of nursing, it is hoped that they will gain in knowledge and understanding, their legal responsibility to themselves, their patients, and the community-at-large; and that it will be maintained throughout their careers.

In the course design, the class calender is included, showing the unit lecture dates, exam dates, and guest speaker dates. The purpose of the course contains a statement of major course goals and objectives based on the goals of the University. The course description and glossary of terms are self-explanatory. The bibliography contains a list of required and recommended texts as well as reference books, magazines, newsletters, films, and cassettes that are on reserve in the libary for the student's use.

Each unit in this design contains an outline which is for the instructor's use only, a brief overview of each unit with goals and objectives (which the student will get), a list of reading assignments, and a sample of test questions. It is realized that the course is not all inclusive and that future references would be utilized.

The instructor's evaluation, at the end of the design, is also self-explanatory.

I have chosen the date, Spring 1982, to teach this course because if the curriculum was in operation, it would be the first time the course would be offered (that I would be able to teach).

TABLE OF CONTENTS

Section		Page
PREFACE		i
CLASS CALENDAR		1
PURPOSE OF THE COURSE		2
LONG-RANGE OBJECTIVES		4
COURSE DESCRIPTION		5
GLOSSARY OF TERMS		7
BIBLIOGRAPHY		8
UNIT:		
I	Laws in General	10
II	The Nurse Practice Act/Licensure	15
III	Contracts	21
IV	Patient's Bill of Rights	27
V	Liability	35
VI	Insurance/Risk Management	41
VII	Medical Records/Audit/Utilization Review	45
VIII	Wills	50
INSTRUCTOR EVALUATION		55

Class Calender
(Spring 1982)

January	11	Overview of Course/Introductory Film
	13	Laws in General
	18-20	The Nurse Practice Act/Licensure
	25-27	Contracts
February	1	Contracts (cont'd)
	3	Exam #1
	8-22	Patient's Bill of Rights
	15	President's Birthday Holiday
	24	Exam #2
March	1-10	Liability (Film)
	15	Field Trip: Municipal Court
	17	Exam #3
	22	Guest Speaker: Insurance/Risk Management
	24	Lecture: Insurance/Risk Management
	29-31	Medical Records/Audit/Utilization Review
April	5-7	Spring Break
	12	Medical Records (cont'd)
	14	Guest Speaker: Wills
	19	Wills (cont'd)
	21	Exam #4
	26	Guest Speaker: Current Issues and Legislation
	28	Class Discussion, Recapitulation, Summation

Purpose of the Course

The primary purpose of the University is to provide a setting and an opportunity for individuals to acquire an understanding of a broad base of knowledge that will enable them to perform various functions according to societal norms. Within the framework of this philosophy, the School of Nursing offers a specially designed curriculum to permit the student to progressively develop theoretical and practical nursing skills so that upon completion, he or she will be sufficiently prepared for a career of professional nursing service. The course, Seminar: Legal Perspectives of Nursing Practice, has become a part of the curriculum in order to provide the student with a theoretical orientation to the types of law and legal ramifications essential to the practice of nursing; and will offer perspectives from which the nursing problems of patients and patient care can be viewed and explored.

This course was prepared especially for students so that they may gain:

1) The prerequisite to entry into the Clinical Nursing series of courses.
2) The units necessary towards a Bachelor of Science degree in nursing.
3) Knowledge of the legal responsibilities of a nurse within various settings of practice.

4) Information useful in the legal understanding of consumer-provider relations.

5) Insight into professional nursing status and liabilities of the same.

At the end of the course, students will be able to:

1) Relate the aspects of nursing law to actual clinical situations by:

   a) Successfully negotiating a work contract with a hospital based on a list of his or her qualifications and professional achievements.

   b) Correctly determining what type of consent, if any, is needed from a patient and obtaining it legally.

   c) Accurately determining that by acting or not acting appropriately in a situation would constitute negligence or malpractice, and taking appropriate steps to avoid it.

   d) Writing correct and appropriate nurse's notes for assigned patients.

2) Learn and practice nursing skills in a designated clinical setting with full knowledge of his or her legal responsibilities to the patient and the institution involved by:

   a) Always asking for supervision when doing procedures that have not been completely checked off on the skills inventory sheet, by supervisors in the clinical area.

Long-Range Course Objectives

The long-range objectives are included as a way for the instructor to assess the long-range effects of the course.

1) Within one year of completing the course, 95% of the students who are majoring in nursing will have received satisfactory clinical performance evaluations from their instructors with written evidence that the student has:
   a) acted professionally (in a considerate and respectful manner).
   b) taken necessary precautions to prevent or avoid causing an accident or injury to assigned patients.
   c) acted on behalf of, and has responded to the patient in terms of meeting his/her needs in a safe and professional manner.
2) Of the students who work in the local hospitals after graduation, 95% will continue to receive satisfactory performance evaluations based on the above and additional criteria.

Course Description

Nursing 89, Seminar: Legal Perspectives of Nursing Practice, is a required course in the nursing curriculum of Diablo University and is prerequisite to entry into the Clinical Nursing series of courses. This course may not be challenged or audited.

Nursing 89 is offered to all nursing students in the Spring semester of their Sophomore year. It is also offered as a summer interim course. A total of three hours of class (in 1-1/2 hour segments) will be provided weekly for fifteen weeks, utilizing guest speakers, films, discussions, and lectures.

The major focus of this course will be on the various legal concepts, terms, and conditions upon which nurses must base their practice. In order to study this, the course has been divided into 8 units, each with a set of goals and objectives. They explain what the student must achieve for each unit and how he or she can achieve it (this is explained in detail in a discussion of each unit). For each unit, it will be necessary for the student to read the listed assignments before class in order to participate in class discussions.

There will be four examinations, each worth 25% of the total course grade. Each test will contain 100 points, for a total of 400 points at the end of the course. Each student

must obtain no less than 300 points or 75% in order to pass the course with a grade of C.

There will be several quizzes given in order to determine if students are having difficulties understanding the course material. These will be graded on a satisfactory/unsatisfactory basis.

The following office schedule has been set up for individual students or groups who have questions or need assistance with the course material:

Monday 8-10 AM
1-4 PM
Wednesday 8-10 AM
Friday 8-11 AM

It is anticipated that 85% of the students who take the course will meet the objectives and requirements, and will pass the course with a C or above.

For those students who must drop out for various reasons or who fail, the course will be offered during the first summer interim of each school year.

Glossary of Terms

Achievement - the expected accomplishment of the student at the end of the course.

Analyze - to break down into relevant parts, and explain on that basis.

Goal - the general outcome that is expected of each student at the end of each unit and at the end of the course.

Know - to be able to recognize or recall necessary information.

Objective - specific abilities, attitudes, and/or skills the student is expected to gain based on the goals of each unit and at the end of the course.

Perspective - a view of things in their true relationship to the subject.

Understand - to recognize, comprehend, and explain.

Bibliography

Required text:

Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975.

Recommended texts: (On Reserve in the Campus Library)

Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977.

Streiff, C. J. (Ed.). Nursing and the Law (2nd ed.). Rockville, Md.: Aspen Systems Corporation, 1975.

References: (On Reserve)

Books

Anderson, R. D. Legal Boundaries of California Nursing Practice (Linear Program Instruction). Sacramento: R. D. Anderson, publisher, 1978.

Bullough, B. The Law and the Expanding Nursing Role. New York: Appleton-Century-Crafts, 1975.

The Catholic Hospital Association. Ethical Issues in Nursing: a Proceedings. St. Louis, Mo., 1976.

Creighton, H. (Guest Ed.). Nursing Clinics of North America. Philadelphia: W. B. Saunders Company, September, 1974.

Hall, V. C. Statutory Regulation of the Scope of Nursing Practice - A Critical Survey. Chicago: The National Joint Practice Commission, 1975.

Bibliography (Continued)

Hoyt, E. Medicolegal Aspects of Hospital Records (2nd ed.). Berwyn Ill.: Physician's Record Company, 1977.

McFadden, C. J. Medical Ethics. Philadelphia: F. A. Davis Co., 1967.

Monthly Publications

The Regan Report on Hospital Law

The Regan Report on Medical Law

The Regan Report on Nursing Law

Supervisor Nurse (Law Editorial)

Nursing 79-80 (4 part series on Nursing Law)

Films/Cassettes

Incidents and Accidents (to be shown in class)

Legal Implications in Nursing (to be shown in class)

Barbee, G. C. Nursing and the Law. (Cassette Tape Seminar.) Chicago: CNA Insurance Co., 1971.

(A set of 14 tapes covering the whole spectrum of Nursing Law.)

UNIT I OUTLINE

Laws in General

I. Definition of LAW

II. History of Law

A. Functions

1. Confirms people's rights and privileges

2. Provides a framework for government

B. Sources

1. Organic law - Constitution itself

2. Statutory law - legislative law, administrative law.

a. Codes - publication of statutory law

3. Common law - (decisional) - judge made law

C. Types

1. Public law

a. Criminal law

2. Private

a. Civil law

3. Equity - acted upon in accordance with the conscience

D. Courts - the American Government

1. Criminal

2. Civil

3. Probate

E. Stare decisis - "the previous decision stands"

1. Setting precedents

a. Renounced in statuatory law

UNIT I

Laws in General

Laws make up the foundation of any society and everything within it. In order to understand laws specific to a given component, such as nursing, it is necessary to understand how law began, the types of law, and the role of the court system in the American Government.

I. Goal: You will become familiar with the history, functions, sources, and types of law.

Objectives:

1) Verbally, in class, as a group of 5, you will trace the history and functions of law from one of the following perspectives:
   - Roman Empire
   - English
   - American

2) Verbally, in class, as a group of 5, you will describe the sources of American law and explain how the types of law relate to each source.

Organic law	public law
Statutory law	private law
Common law	equity

II. Goal: You will become familiar with the role of the court system of the American Government on the Federal and State levels.

UNIT I (cont'd)

II. (cont'd)

Objective: 1) Verbally, in class, in a group of 5, you will trace the functions of the court system on the State level or the Federal level. Give examples of cases heard in each court. (May trace one (1) example through each level if appropriate.)

UNIT I READINGS

1) Creighton, Helen. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Co., 1975. Chapter 1.

2) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 17-23.

3) Streiff, C. J. (Ed.). Nursing and the Law (2nd ed.). Rockville, Maryland: Aspen Systems Corperation, 1975. Pages 127-131.

UNIT I TEST QUESTIONS

1) List the two major functions of all law.

a)

b)

2) Match the following terms related to law and the courts with the appropriate description of each:

a) Probate court	_____ the Constitution of the U.S.
b) Organic law	_____ judge-made law
c) Statutory law	_____ public cases are heard
d) Civil court	_____ where the previous decision stands
e) Common law	_____ private cases are heard
f) Criminal court	_____ administrative law
	_____ Wills

UNIT II OUTLINE

The Nurse Practice Act/Licensure

I. Source

A. Business and Professions Code, Section 2700-2830 (Calif. 1939)

1. Sections

a. Legislative intent

b. Definition of Nursing Practice - job descriptions

1) by NPA (California)

2) ANA

c. Procedures

1) Standardized

2) Nursing

2. Who is covered

a. RN

b. LVN - LPN

c. Technicians

d. Nonlicensed personnel

e. Legal Aliens

3. Professional Conduct

a. On Duty

b. Off Duty

c. "Conscientious objection"

UNIT II OUTLINE (cont'd)

II. Licensure - Definition

- A. Boards regulating Nursing
- B. Types
  - 1. Independent
  - 2. Institutional
- C. Methods
  - 1. Examination
  - 2. Endorsement/Reciprocity
- D. Issuance - original
  - 1. Renewals
    - a. Continuing education
  - 2. Revocation
    - a. Suspension
    - b. Loss of license
    - c. Conviction
  - 3. Practicing without a license
    - a. Joint statements on practice

UNIT II

The Nurse Practice Act/Licensure

Each state has a set of laws governing the profession of Nursing. These laws offer a definition of professional nursing which provides guidelines upon which we base our practice and our professional conduct. Each state assures the public that the nurse is qualified to practice through licensure. The types and methods of licensure will be examined along with some of the problems that have arisen. (Pamphlet of the Nurse Practice Act will be provided.)

I. Goal: You will know the importance of the Nurse Practice Act (NPA) for the State of California.

Objectives: (In class without references)

1) You will correctly list all three components of the NPA.
2) You will be able to state correctly, in writing, in what body of law the California NPA is found.
3) You will be able to correctly identify all who are covered by the NPA.

II. Goal: You will be able to identify the various aspects of licensure in the State of California.

UNIT II (cont'd)

II. (cont'd)

Objectives:

4) Given a list of statements, you will be able to select the applicable methods for licensure in the State of California. (90%)

5) You will be able to completely and correctly define licensure.

6) You will write in 50 words or less your position on institutional licensure.

UNIT II READINGS

1) Anderson, R. D. Legal Boundaries of California Nursing Practice (program instruction). Sacramento: R. D. Anderson, 1978. Pages 1-18.

2) Bullough, B. The Law and the Expanding Nursing Role. New York: Appleton-Century-Crofts, 1975. Pages 153-170.

3) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Chapter 2.

4) Creighton, H. (Guest Ed.). Nursing Clinics of North America. Philadelphia: W. B. Saunders Company, September, 1974.

5) Hall, V. C. Statutory Regulation of the Scope of Nursing Practice - A Cricital Survey, Chicago: The National Joint Practice Committee, 1975.

6) Isler, C. "Six Mistakes That Could Land You in Jail." RN, February 1979. Page 64+.

7) Regan, W. A. The Regan Report on Nursing Law (Monthly Newsletter). Providence, R.I.: Medica Press. Issues for January, June, July, August, 1978 and June, August, 1979.

8) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 65-81.

9) Streiff, C. J. (Ed.). Nursing and the Law (2nd ed.). Rockville, Md.: Aspen Systems Corporation, 1975. Pages 51-62.

UNIT II TEST QUESTIONS

1) List the three components of the Nurse Practice Act.
   a) _____
   b) _____
   c) _____
2) In what source can the Nurse Practice Act for the State of California be found?
3) From the following list, circle all of the people who are covered by the Nurse Practice Act for the State of California.

Registered Nurses	Physician's Assistants
Nurses Aides	Licensed Vocational Nurses
Psychiatric Technicians	Doctors
Nurse Practitioners	Foreign Nurses

4) Write a complete definition of the term <u>licensure</u> and list the three methods of obtaining a license in the State of California.

UNIT III OUTLINE

Contracts

I. Definition

A. Requirements

1. Offer and Acceptance - reasonable period - means

2. Consideration

B. Types

1. Formal

a. Written

2. Simple

a. Verbal

3. Express

4. Implied

a. Silent

C. Application

1. Commitments

a. Hours and salary

b. Length of Contract - probationary periods

c. Days off duty

d. Local custom

D. Labor Relations and Unions

1. Labor Laws

a. Right to Work

1. Collective bargaining contract versus "terminable at will."

b. Overtime pay

c. Pregnancy clauses

d. Pensions

UNIT III OUTLINE (cont'd)

I. Definition (cont'd)

E. Agents/Principle - Definitions (Master-Servant Rule)

1. Registries

2. Private Duty nursing

F. Contracts

1. Unenforceable

2. Illegal

a. Violation of the law

b. Consent obtained by fraud

c. Duress

d. Undue influence

e. Material misrepresentation

f. Mistake

3. Breach

a. Failure to fulfill terms

b. Misrepresentation

c. Negligence

UNIT III

Contracts

At one time or another, everyone will be exposed to a contract, whether formal or informal. This unit will briefly deal with the requirements for and types of contracts, as well as examples of valid, binding contracts nurses are exposed to. Labor relations and unions will be discussed. Various problems of contracts and breach of contracts will be cited.

I. Goal: You will understand the various types of contracts and the requirements which would make each type valid.

Objectives:
1) Given a list of the types of contracts, you will match them with a given list of descriptions of each. (80%)
2) Given a list of types of contracts, you will state in writing the requirements which would make each type valid. (70%)

II. Goal: You will understand the meaning of labor relations and the various groups connected with it.

Objective:
1) Outside of class, you will write a paper of 100-200 words, giving your position on unions in professional nursing and their influence on contracts.

UNIT III (cont'd)

III. Goal: You will know the difference between legal and illegal (or valid and invalid) contracts and what constitutes breach of contract.

Objectives:

1) Given a set of situations describing contracts, you will state in writing whether each is legal or illegal. (80%)
2) Given a set of situations describing contracts, you will state in writing whether each is or is not a breach of contract. (80%)

UNIT III READINGS

1) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Chapters 3 and 4.

2) Kramer, H. T. "What About Pensions?" Nursing Clinics of North America, 1974. 9(3), 513-522.

3) Regan, W. A. The Regan Report on Nursing Law. (Monthly Newsletter). Providence, R.I.: Medica Press, April 1979.

4) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 99-111.

5) Streiff, C. J. (Ed.). Nursing and the Law (2nd ed.). Rockville, Md.: Aspen Systems Corporation, 1975. Pages 63-77.

UNIT III TEST QUESTIONS

1) Match the following types of contracts with the appropriate description of each:

a) Formal	____ parol contract
b) Simple	____ contract requiring a "seal"
c) Implied	____ terms of the contract are given
d) Expressed	orally or in writing.
	____ contract required in writing
	____ silent contract

2) For the following list of types of contracts, list <u>all</u> of the requirements necessary which would make each type valid:

a) Formal -

b) Expressed -

c) Implied -

UNIT IV OUTLINE

Patient's Bill of Rights

I. A.H.A. Bill of Rights (1973)

A. The patient has the right to:

1. Considerate and respectful care.
2. Complete current information from his M.D. about diagnosis, treatment, and prognosis in terms he can understand.
3. Information from his M.D. enabling him to give informed consent before the procedure and the name of who will do it.
4. Refuse treatment to the extent the law allows, and the consequences of such.
5. Privacy in his medical program
   a. Discreet conduct of examination and treatment
   b. Confidentiality of the case
   c. Permission for those not involved to be present at case discussion, consultation, exam, and treatment.
6. Have communications and records kept confidential.
7. Reasonable response to request for services
   a. Based on urgency of his case.
   b. Information concerning transfer
   c. Knowledge of acceptance of transfer
8. Information about the professional relationships between the people treating him and the institutions involved.

UNIT IV OUTLINE (cont'd)

9. Know about experimentation affecting his case or treatment, and the right to refuse.
10. Expect reasonable continuity of care, even after discharge.
11. Examine his bill and have it explained regardless of who pays it.
12. Know what hospital rules and regulations apply to his conduct while he is a patient.

II. Consent and Rights of Human Subjects

A. Definition

1. Informed - risk disclosure
2. Uninformed
   a. Observation
   b. Coercion
   c. Withholding information - material misrepresentation
   d. Deception - Fraud
   e. Duress - undue influence
   f. Invasion of Privacy
   g. Withholding Benefits

UNIT IV OUTLINE (cont'd)

B. Witnessing consent

1. Patient's reading, writing, understanding ability
2. Revocation by patient after signature
3. Communication of problems
4. Emergencies
5. Telephone consents
6. Minors

C. Consent for nursing procedures

III. Ethics

A. The difference between morality and practicality.

1. Religious views
2. Euthanasia

B. Code of Ethics for nurses

C. Nursing's Bill of Rights for Patients

UNIT IV

Patient's Bill of Rights

Every person is guaranteed certain rights and privileges based on statutory and common law. Just because a person becomes a patient does not mean that he or she gives up those rights upon entry into a health care system. In this unit, the American Hospital Association (AHA) Patient's Bill of Rights will be individually examined, along with consent and ethics, and how they relate to these rights. Also, the National League for Nursing's Patient Bill of Rights will be reviewed.

I. Goal: You will be able to appropriately analyze the A.H.A. Patient Bill of Rights.

Objective: 1) Given a list of the rights, you will be able to verbally state why each right is necessary and appropriate, and give examples for each. (100%)

II. Goal: You will understand the various types of consent.

Objectives: 1) You will define in writing each type of consent. (80%)

2) Given a set of situations, you will determine what type of consent was obtained and whether it was legal or illegal. (80%)

UNIT IV (cont'd)

III. Goal: You will understand the definition of ethics and the difference between morality and practicality.

Objective:

1) You will be able to completely and correctly define in writing the term Ethics. (100%)
2) Given a set of descriptions of issues that are moral versus practical, you will be able to verbally defend one position for each description.

UNIT IV READINGS

1) Brink, P. J. and Wood, M. J. Basic Steps in Planning Nursing Research. North Scituate, Mass: Duxbury Press, 1978. Pages 130-140.

2) Carnegie, M.E. "The Patient's Bill of Rights and the Nurse." Nursing Clinics of North America, 1974. 9(3), 557-562.

3) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Pages 48-50, 68-69.

4) Helmelt, M. D. and Mackert, M. E. "'Legally Speaking': The Patient's Right to Privacy." Journal of Practical Nursing, 1979. 29(1), 36-38.

5) Hollowell, E. E. "The Right to Die." Journal of Practical Nursing, 1977. 27, 20+.

6) Mancini, M. "Nursing, Minors, and the Law." American Journal of Nursing, 1978. 78(1), 124.

7) Regan, W. A. The Regan Report on Nursing Law (Monthly Newsletter). Providence, R.I.: Medica Press, April 1979.

8) Rothman, D. A. and Rothman, N. L. "The Nurse and Informed Consent." Journal of Nursing Administration, 1977. 7, 7-9.

9) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 11-16.

UNIT IV READINGS (cont'd)

10) Sklar, C. "The Patient's Choice versus The Nurse's Judgment." Canadian Nurse, 1978. 1, 167-168.

11) Streiff, C. J. (Ed.). Nursing and the Law. (2nd ed.). Rockville, Md.: Aspen Systems Corporation, 1975. Pages 15-28.

UNIT IV TEST QUESTIONS

1) Define completely all of the following terms:

   a) Informed consent -

   b) Coercion -

   c) Duress -

   d) Witness -

   e) Minor -

   f) Uninformed consent -

   g) Ethics

UNIT V OUTLINE

Liability

I. Definition of Liability

A. Personal - including Good Samaritan Laws

B. Institutional

1. Public

2. Private

II. Definition of Negligence

A. Acts of Negligence (Common); Incident Reports

1. Operating Room Errors

2. Burns

3. Falls

4. Medication errors

5. Injections

6. Mistaken identity

7. Administration of blood

8. Failure to communicate

9. Failure to exercise reasonable judgment

10. Equipment defects

11. Errors due to Family Assistance

12. Abandonment

13. Loss or damage of patient property

14. Elopement

15. Infection

16. Cardiac Arrest

17. Death pronouncement

UNIT V OUTLINE (cont'd)

III. Definition of Malpractice

A. Difference between Malpractice and Negligence

IV. Definition of Tort

A. Types of Torts

1. Assault and Battery

a. Lack of consent

b. Child-spouse clause

2. False imprisonment

3. Alcoholics and public drunkenness

4. Restraints

5. Invasion of privacy

6. Defmation-Character assasination

a. Slander

b. Libel

c. Confidential communications

d. copyright-photocopying

7. Sterilization

8. Wrongful death

9. Autopsy

10. Transplantation

11. Malpractice losses

V. Definition of Crime

A. Misdemeanor

B. Felony

C. Difference between Criminal Act and Intent

D. Gross negligence

UNIT V OUTLINE (cont'd)

V. Definition of Crime (cont'd)

E. Moral turpitude

1. Murder
2. Assault and battery
3. Robbery
4. Mayhem
5. Rape
6. Controlled substances

F. Criminal conspiracy

UNIT V

Liability

Liability means responsibility. It is the basis of every profession. This unit will explore the nurse's personal and professional liability with an emphasis on negligence, malpractice, torts, and crimes.

I. Goal: You will know the definitions of the terms: liability, tort, negligence, malpractice, crime.

Objectives:
1) Given a list of terms, you will match them with their correct definitions. (90%)
2) You will explain in writing the difference between malpractice and negligence; and tort and crime.

II. Goal: You will be able to list the steps for handling an incident, accident, or injury.

Objectives:
1) Given a list of steps, you will be able to arrange them in order of occurance. (100%)
2) Given a situation, you will correctly and completely fill out an accident report, and in writing, state who was notified, what other forms were filled out, and what the outcome was. (100%)
3) Given a set of situations, you will state in writing whether an incident/accident report is warranted and why. (80%)

UNIT V READINGS

1) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Pages 62, 64, 68-74, 79-195.

2) Creighton, H. "Law for the Nurse Supervisor." Supervisor Nurse, February, 1979. 62-64.

3) Creighton, H. "The Malpractice Problem." Nursing Clinics of North America, 1974. 9(3), 425-434.

4) Regan, W. A. The Regan Report on Nursing Law. (Monthly Newsletter). Providence, R.I.: Medica Press. Any issue.

5) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 35-64.

6) Stanley, L. "Dangerous Doctors - What to do When the M.D. is Wrong." RN, March 1979. 23-30.

7) Streiff, C. J. (Ed.). Nursing and the Law (2nd Ed.). Rockville, Md.: Aspen Systems Corporation, 1975. Pages 3-12, 43-50.

UNIT V TEST QUESTIONS

1) Explain in 50 words or less the differences between the following:

   a) Malpractice and negligence -

   b) Tort and Crime -

2) The following is a list of steps for handling an accident <u>with</u> an injury. Arrange the list in the appropriate order of occurance:

   _____ Notify the supervisor

   _____ Call the patient's doctor

   _____ Chart the incident in the nurse's notes

   _____ Check the patient

   _____ Fill out the accident report

   _____ Determine the extent of the injury

   _____ Carry out the Dr's. orders

UNIT VI OUTLINE

Insurance/Risk Management

I. Professional liability insurance

- A. Personal
  - 1. Benefits
- B. Institutional
  - 1. Risk management
- C. Workman's Compensation

UNIT VI

Insurance/Risk Management

For this unit, a guest speaker will explain the various forms of insurance available at the present time. A statement will be made about the effectiveness of risk management (self-insured hospitals) and about the correct procedures for obtaining Workman's Compensation.

I. Goal: You will know what type of insurance is available to you and how to receive Workman's Compensation.

Objectives:

1) Outside of class, you will write a paper of 100-150 words accepting or rejecting the need for personal insurance over and above that which a hospital you may work for provides.
2) You will list on paper the order of the procedures used for obtaining Workman's Compensation.

UNIT VI READINGS

1) Adler, J. "You Are Charged With ..." Nurse Practitioner, 1979. 4(1), 45-46.

2) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Pages 60-61.

3) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 114-120, 153-161.

4) A list of references will be provided by the guest speaker.

UNIT VI TEST QUESTIONS

1) List in proper order, the seven steps for obtaining Workman's Compensation.

a)

b)

c)

d)

e)

f)

g)

UNIT VII OUTLINE

Medical Records, Audit, Utilization Review

I. The Medical Record
   A. Charting - means of communication
   B. Consent
   C. Incident reports
   D. Computerized records
   E. Confidentiality
II. Medical Record Audit
   A. Means for professional nurse accountability
III. Utilization Review

UNIT VII

Medical Records, Audit, Utilization Review

The medical record is the basic unit of communication between the people who provide care for the patient. In this unit the legal aspects of the medical record, such as charting nurse's notes, will be examined, and the purposes of audit and procedures for utilization review will be explained.

I. Goal: You will know what is legal and illegal in a medical record.

Objective: 1) Given a medical record, you will state verbally which parts are legal, which are illegal, and why. (90%)

II. Goal: You will be able to write appropriate nursing notes.

Objectives: 1) Given a set of nursing notes, you will note which have illegal terms, corrections, and/or are incomplete. (100%)

2) In class, you will write in 50-100 words three complete nurse's notes with:

a) no illegal terms or abbreviations

b) 1-2 corrections. (100%)

III. Goal: You will understand the procedures for an audit and a utilization review.

UNIT VII (cont'd)

Objective: 1) In class, in groups of 5, you will present an audit or a utilization review of a given medical record, utilizing all of the steps for each. (100%)

UNIT VII READINGS

1) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Pages 89-91.

2) Hoyt, E. Medicolegal Aspects of Hospital Records (2nd ed.). Berwyn, Ill.: Physician's Record Company, 1977.

3) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 156-161.

UNIT VII TEST QUESTIONS

1) In the following nurse's notes, you will <u>circle</u> all of the illegal terms and abbreviations, <u>circle</u> all of the illegal corrections, and <u>underline</u> all of the notes that are incomplete.

12/1/81/10:30 A Admitted via w/c this 34 y.o. white ♂ $\bar{c}$ A.L.S. and resp. difficulty. Placed in bed $\bar{c}$ side rails up. Reasons explained. H.O.B.↑ 30° $\bar{c}$ O_2 on per mask at 4L/min. Appears to be slightly cyanatic. Lips blue. Dr. Schraft and Ms. Twyler notified. Pt. told about Rm., regulations, and D.A.L. Understands, so does family. At bedside at present. VS 98^2 - 76 - 22 (irreg) 142/82. Pt. has no questions at present. Nannet Wilm N.A.

UNIT VIII OUTLINE

Wills

I. Definition of Will

A. Laws regarding wills (1837 Wills Act)

1) Disposal of Property - intestate

2) Factors necessary for a valid will

a) Sound mind

b) Testamentary capacity

c) Freedom from fraud and undue influence

d) Legal age

3) Execution of a will

a) Holographic wills

b) Witnessing a will

II. Definition of a Gift

A. Requirements for a gift

B. Anatomical gifts

UNIT VIII

Wills

In this unit, a guest speaker will explain the laws regarding wills and the factors necessary for a valid will. The lecture will be continued with the execution of a will, the nurse's involvement, and the explanation of the term "Gift."

I. Goal: You will understand the nurse's involvement in making valid wills and the related factors of such.

Objectives:

1) Outside of class, you will write a 150-200 word paper accepting or rejecting the idea of having a will.
2) In class, you will write a one-page paper explaining the nurse's involvement in the patient's making a will based on the factors necessary for validating the will. (90%)
3) Verbally, you will explain the difference between a will and a "Gift." (100%)

UNIT VIII READINGS

1) Creighton, H. Law Every Nurse Should Know. Philadelphia: W. B. Saunders Company, 1975. Pages 198-205.

2) Rothman, D. A. and Rothman, N. L. The Professional Nurse and the Law. Boston: Little, Brown and Company, 1977. Pages 4-5, 143-148.

3) Streiff, C. J. (Ed.). Nursing and the Law (2nd ed.). Rockville, Md.: Aspen Systems Corporation, 1975. Pages 138-139.

UNIT VIII TEST QUESTIONS

1) Write a paper, no longer than one page, explaining the nurse's involvement with a patient making a will in the hospital, and include the factors necessary for making the will valid.

Instructor's Evaluation

Courses must be periodically reassessed and revised in order to meet student and university needs, and the changing world in which they evolve. Procedures for revising this course would be carried out by the instructor in the following ways:

1) Each objective would be assessed for student gain, the students would be asked to define problems they had trying to meet the objective, and then based on that information, the objective would be rewritten (if necessary) for future use.
2) Student achievement would be assessed through quizzes (norm-referenced). Those students who received an unsatisfactory would be seen in consultation to determine what the problems were. If many students failed, the questions would be posed to the whole class and the quiz would be revised or dropped.
3) The examinations (criterion-referenced) would be handled as in #2; however, in addition, they would also be subject to statistical analyses such as item analysis to determine problems.
4) Course evaluations would be analyzed to determine what areas are in need of change. An example of the Course-Instructor Evaluation form is found in Figure 1.

Instructor's Evaluation (cont'd)

5) Revisions would be made as new books were made available, and new law or legislation were passed.

6) The University would require revisions based on the needs of the school, the students, and the community.

It is estimated that 85% of the students will achieve 75% of the objectives. As noted in #1 above, each objective will be assessed for student gain after it is completed and then all will be reanalyzed at the end of the course to see if the estimates were factual.

For those students who are failing, it is hoped that through counseling or tutoring throughout the semester, they may be able to achieve the objectives. If they do not, the course will be offered to them during the first summer session. Since this is a required prerequisite course, those who have failed must retake the course and pass it in order to start the clinical nursing courses.

FIGURE 1

Course-Instructor Evaluation*

Courses are evaluated by students at the end of each semester in order to determine if revisions are needed in the course, and if the instructor's teaching methods need to be changed. Your instructor will receive a summary of the course evaluations in order to make the necessary revisions as indicated above. The instructors will not see these evaluations until all grades are recorded.

Please do not put your name on this paper or make any other marks that could identify you.

Please fill out the following blanks completely.

Date _____ Course number_____

Course title _____ Instructor's name_____

Age (currently) _____ Sex (male or female)_____

Student's Major _____ Year in school_____

Indicate your response to the questions or statements by placing a circle around the number that you feel best describes that question or statement. Feel free to make comments at the end of the evaluation.

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*The questions and statements were taken from:

Simpson, R. H. and Seiderman, J. M. Student Evaluation of Teaching and Learning. Washington, D.C.: American Association of Colleges for Teaching Education, 1962.

FIGURE 1 (cont'd)

1) How do you like this course as compared with other courses you have had, including those you are now taking?

1	2	3	4	5
one of the poorest				one of the best

2) Comparing this course with the other courses you are taking, how much do you feel you have learned about the subject matter?

1	2	3	4	5
less in this course than in any other				more than in any other course

3) Compared with other courses on this grade level and carrying an equal amount of credit, what amount of time have you put on study for this course?

1	2	3	4	5
less than any other				more than any other

4) Compared with other courses on this level and carrying an equal amount of credit, do you regard this course as being?

1	2	3	4	5
very easy				very hard

5) To what extent has this course encouraged you to think?

1	2	3	4	5
very little				very much

FIGURE 1 (cont'd)

6) The course objectives were:

1	2	3	4	5
difficult to understand				clear and understandable

7) The course content has been:

1	2	3	4	5
of no value				very valuable

8) Course activities were:

1	2	3	4	5
confusing, no relation with course objectives				in line with course objectives

9) Class discussion was:

1	2	3	4	5
a waste of time				highly valuable

10) How valuable were the assigned readings?

1	2	3	4	5
a waste of time				highly valuable

11) Assignments were:

1	2	3	4	5
frequently not clear				always clear

FIGURE 1 (cont'd)

12) Length of assignments were:

1	2	3	4	5
often unreasonable				always reasonable

13) Number of examinations:

1	2	3	4	5
too few				too many

14) Number of quizzes:

1	2	3	4	5
too few				too many

15) Questions in the examinations:

1	2	3	4	5
very ambiguous				very clear

16) Examination's difficulty:

1	2	3	4	5
too elementary				too difficult

17) Examination coverage of course content:

1	2	3	4	5
very incomplete				very thorough and complete

FIGURE 1 (cont'd)

18) How much opportunity did you have in class to express your own opinions and ideas?

1	2	3	4	5
practically none				as much as I wanted or needed to

19) Instructor's attitude toward questions:

1	2	3	4	5
ignores most questions				skillful in drawing out questions

20) Instructor's ability to explain:

1	2	3	4	5
the explanations usually puzzle me				the explanations were always clear

21) Availability of instructor for consultation:

1	2	3	4	5
had no need to see her	never seemed available			always available

22) Instructor's knowledge of the subject:

1	2	3	4	5
appears poorly informed				seems highly knowledgeable of subject

FIGURE 1 (cont'd)

23) Instructor as a human being:

1	2	3	4	5
not the kind of person you want to know				attractive personality, would like to know her

24) Instructor's tolerance:

1	2	3	4	5
intolerant of student opinion				recognizes and upholds the student's right to have and express opinions

25) Instructor's ability to express thought:

1	2	3	4	5
much hesitation meaning not clear				words come easily meaning always clear

26) Instructor's self-confidence:

1	2	3	4	5
hesitant, uncertain				sure of herself, meets difficulty with poise

27) Instructor's willingness to help students:

1	2	3	4	5
never willing to help				always willing to help

FIGURE 1 (cont'd)

28) Instructor's attitude towards teaching:

1	2	3	4	5
does not seem to enjoy teaching				seems to be enthusiastic about teaching

29) Instructor's personal appearance:

1	2	3	4	5
never neatly dressed				always neatly dressed

30) Instructor's attitude towards students:

1	2	3	4	5
arouses antagonism of students				always courteous and considerate

Comments: _____

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